

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** By **CHAIRMAN ALAN OLSON**, on March 21, 2005 at 3:10 P.M., in Room 455 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Alan Olson, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Dennis Himmelberger, Vice Chairman (R)  
Rep. Robyn Driscoll (D)  
Rep. George G. Groesbeck (D)  
Rep. Robin Hamilton (D)  
Rep. Hal Jacobson (D)  
Rep. Harry Klock (R)  
Rep. Mark E. Noennig (R)  
Rep. Diane Rice (R)  
Rep. Wayne Stahl (R)  
Rep. Karl Waitschies (R)  
Rep. Brady Wiseman (D)

**Members Excused:** None.

**Members Absent:** Rep. John Parker (D)

**Staff Present:** Todd Everts, Legislative Branch  
Cynthia Peterson, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted:

Executive Action: SJ 23; SJ 19; SJ 4; SJ 7; SJ 16; SJ  
17

**EXECUTIVE ACTION ON SJ 23**

**Motion:** REP. HIMMELBERGER moved that SJ 23 BE CONCURRED IN.

**Discussion:**

REP. KARL WAITSCHIES, HD 36, PEERLESS, commented that he typically does not vote in favor of resolutions because he does not believe passing resolutions accomplishes anything.

REP. MARK NOENNIG, HD 46, BILLINGS, responded that he was assured by former Representative Pat Williams that he read all resolutions he received while he was in Washington.

REP. GEORGE GROESBECK, HD 74, BUTTE, added REP. ART NOONAN, HD 73, BUTTE, was the person on Representative Williams' staff who was responsible for receiving resolutions.

REP. DIANE RICE, HD 71, HARRISON, spoke about how the agricultural industry has been adversely affected by trade negotiations, and stated she would vote in favor of SJ 23.

CHAIRMAN OLSON was not opposed to SJ 23, but cautioned the Committee about telling the Canadians how to run their own business.

REP. BRADY WISEMAN, HD 65, BOZEMAN, believed SJ 23 is aimed at upcoming negotiations on the Central American Free Trade Agreement (CAFTA). REP. WISEMAN believed it was well known that the North American Free Trade Agreement (NAFTA) had a terrible affect on Montana agriculture, and that it would only make sense that CAFTA would also have a negative impact. CHAIRMAN OLSON agreed and clarified he does not oppose SJ 23.

**Vote:** Motion carried 13-1 by roll call vote, with REP. WAITSCHIES voting no, and REP. PARKER voting aye by proxy. REP. RICE will carry SJ 23 on the floor of the House.

**EXECUTIVE ACTION ON SJ 19**

**Motion:** REP. WISEMAN moved that SJ 19 BE CONCURRED IN.

**Discussion:**

REP. WISEMAN commented that he has received more mail on SJ 19 than any other piece of legislation, and the mail is 100 percent in favor of SJ 19.

**Vote:** Motion carried 13-1 by voice vote with REP. WAITSCHIES voting no, and REP. PARKER voting aye by proxy. REP. RICK MAEDJE, HD 2, FORTINE, will carry SJ 19 on the floor of the House.

**{Tape: 1; Side: A; Approx. Time Counter: 7 - 8.1; Comments: Executive action on SJ 19.}**

**EXECUTIVE ACTION ON SJ 4**

**Motion:** REP. ROBIN HAMILTON, HD 92, MISSOULA, moved that SJ 4 BE CONCURRED IN.

**Discussion:**

REP. DAVE GALLIK, HD 79, HELENA, supported SJ 4, but wished the resolution were broader and that the National Conference Committee on Uniform Laws be encouraged to assist the tribal courts. In addition, REP. GALLIK wished the resolution would apply to the entire Uniform Commercial Code (UCC) and not just Title 9. REP. GALLIK acknowledged SJ 4 is a good start.

REP. NOENNIG thought Article 9 of the UCC was important because it applied to lending and secured loans on and off Reservations. REP. NOENNIG explained that he has had personal dealings with Article 9, and that he supports the legislation.

**Vote:** Motion carried 13-1 by voice vote with REP. WAITSCHIES voting no and REP. PARKER voting aye by proxy. REP. NOENNIG will carry SJ 4 on the floor of the House.

**EXECUTIVE ACTION ON SJ 7**

**Motion:** REP. JACOBSON moved that SJ 7 BE CONCURRED IN.

**Motion:** REP. OLSON moved that SJ000701.ATE BE ADOPTED.  
[EXHIBIT](#)(feh62a01)

**Discussion:**

Todd Everts, Legislative Analyst, reviewed SJ000701.ate with the Committee and stated the theme of the proposed amendments is to further define the scope of the resolution and broaden the scope of the resolution to include other hydrocarbon development, such as coal, oil, and gas. The amendment also includes air quality, as well as water quality, in the Flathead Valley.

**Mr. Everts** clarified Amendment 14 left in the word "responsible" on Line 28.

**Vote:** Motion carried 9-4 by voice vote with REP. GALLIK, REP. HIMMELBERGER, REP. STAHL, and REP. WAITSCHIES voting no.

**Motion:** REP. JACOBSON moved that SJ 7 BE CONCURRED IN AS AMENDED.

**Discussion:** REP. GALLIK asked specifically about proposed Amendment 14 and whether the word "responsible" was included. CHAIRMAN OLSON responded the word "responsible" was left in at the request of the sponsor.

**Vote:** Motion carried 9-5 by roll call vote, with REP. HIMMELBERGER, REP. OLSON, REP. RICE, REP. STAHL, and REP. WAITSCHIES voting no, and REP. PARKER voting aye by proxy. REP. DEE BROWN, HD 3, HUNGRY HORSE, will carry the bill on the floor of the House.

#### EXECUTIVE ACTION ON SJ 16

**Motion:** REP. WISEMAN moved that SJ 16 BE CONCURRED IN.

#### Discussion:

REP. WISEMAN explained the resolution as a statement that Social Security is to remain an insurance program and not an investment program.

**Vote:** Motion failed 7-7 by roll call vote with REP. DRISCOLL, REP. GALLIK, REP. GROESBECK, REP. HAMILTON, REP. WISEMAN, REP. JACOBSON voting aye, and REP. PARKER voting aye by proxy.

#### EXECUTIVE ACTION ON SJ 17

**Motion:** REP. RICE moved that SJ 17 BE CONCURRED IN.

#### Discussion:

REP. GALLIK reviewed SJ 17, which would encourage Congress to continue the renewable energy production incentive.

**Vote:** Motion carried 11-3 by roll call vote with REP. HIMMELBERGER, REP. KLOCK, and REP. WAITSCHIES voting no, and REP. PARKER and REP. JACOBSON voting aye by proxy. REP. WISEMAN will carry SJ 17 on the floor of the House.

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**ADJOURNMENT**

Adjournment: 3:37 P.M.

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REP. ALAN OLSON, Chairman

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CYNTHIA PETERSON, Secretary

AO/cp

Additional Exhibits:

**EXHIBIT ([feh62aad0.TIF](#))**